

No. 13-20-00355-CV

Court of Appeals, Thirteenth District
Corpus Christi – Edinburg, Texas

FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS

10/21/2020 4:20:12 PM

Hidalgo County Water Improvement District No. 3
Appellant

KATHY S. MILLS
Clerk

vs.

Hidalgo County Irrigation District No. 1
Appellee

Appeal from the County Court at Law No. 1
Hidalgo County, Texas
Cause No. CCD-0517-D

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1'S UNOPPOSED FIRST
MOTION FOR EXTENSION OF TIME TO FILE BRIEF OF APPELLEE

J. Joseph Vale
jvale@atlashall.com
State Bar No. 24084003
Daniel G. Gurwitz
State Bar No. 00787608
Meredith D. Helle
State Bar No. 24106188

ATLAS, HALL & RODRIGUEZ, LLP
818 Pecan/P.O. Box 3725
McAllen, Texas 78501
(956) 682-5501 (phone)
(956) 686-6109 (facsimile)

Attorneys for Appellee
Hidalgo County Irrigation District No. 1

October 21, 2020

TO THE HONORABLE COURT OF APPEALS:

Appellee Hidalgo County Irrigation District No. 1 (District 1) files this Unopposed First Motion for Extension of Time to File Brief of Appellee, which seeks an additional 10 days to file its brief. The current deadline for District 1's brief is October 26, 2020. District 1 is requesting that the Court extend its time to file its brief up to and including **Thursday, November 5, 2020**. District 1 would respectfully show the following:

I. Background

Appellant Hidalgo County Water Improvement District No. 3 (District 3) filed its Appellant's Brief on September 26, 2020. As a result, District 1's Brief of Appellee is due October 26, 2020. This is District 1's first request for an extension to file this brief.

II. Reason for Extension

District 1's appellate counsel, J. Joseph Vale, has unavoidable conflicts which require and have required significant work between the date District 3 filed its brief and the current due date for District 1's brief. These conflicts include:

- Advised client regarding Petition for Review filed by opposing parties on September 30, 2020, in *UETA of Cal., Inc., et al. v. Brady*, No. 20-0619, Supreme Court of Texas. Filed response waiver on October 5, 2020.
- Provided briefing support and helped prepare for summary judgment hearing on October 12, 2020, in *Cook v. Bentsen 379, LLC, et al.*, Cause No. DC-19-482, 229th District Court, Starr County, Texas.

- Retained as appellate counsel on new commercial matter in pending arbitration.
- Retained as appellate counsel on new commercial matter with potential for interlocutory appeal or mandamus review.
- Provided briefing support and helped prepare for hearings on arbitrability for client in *Gas Pass, LLC, et al. v. Premier Anesthesia of Tex., P.A., et al.*, Cause No. C-2117-20-J, 430th District Court, Hidalgo County, Texas. Hearings set for October 2020.
- Provided briefing support for client on potential arbitrability issue in pending litigation.
- Co-chaired planning committee for and presented paper at continuing legal education webinar on October 20, 2020, for the State Bar of Texas Appellate Section and the Hidalgo County Bar Association Appellate Section. The remote seminar had four presentations and required significant planning and work over the last month.

In addition to these conflicts, Mr. Vale's family had some unexpected health issues arise this month.

III. Request for Extension

Pursuant to Texas Rule of Appellate Procedure 10.5(b), Appellee requests that the deadline to file its Brief of Appellee be extended 10 days so that it is due November 5, 2020. An extension of time for filing the brief is sought so that justice may be done in the disposition of this appeal, not for the purpose of delay.

IV. Certificate of Conference

Pursuant to Texas Rule of Appellate Procedure 10.1(a)(5), J. Joseph Vale (counsel for District 1) conferred with Frank Weathered (counsel for District 3). Mr. Weathered stated that his client does not oppose the requested extension.

V. Conclusion and Request for Relief

District 1 prays that the Court grant this Motion for Extension of Time and extend the time for it to file its Brief of Appellee until and including **November 5, 2020**. District 1 also requests such other and further relief at law or in equity to which it may be entitled.

Respectfully submitted,

ATLAS, HALL & RODRIGUEZ, LLP
818 Pecan/P.O. Box 3725
McAllen, Texas 78501
(956) 682-5501 (phone)
(956) 686-6109 (facsimile)

By: /s/ J. Joseph Vale

J. Joseph Vale

State Bar No. 24084003

jvale@atlashall.com

Daniel G. Gurwitz

State Bar No. 00787608

dgurwitz@atlashall.com

Meredith D. Helle

mhelle@atlashall.com

State Bar No. 24106188

*Attorneys for Appellee
Hidalgo County Irrigation
District No. 1*

Certificate of Service

I certify that the foregoing document was electronically filed with the Clerk of the Court using the electronic case filing system of the Court. I also certify that a true and correct copy of the foregoing was served on all counsel of record on October 21, 2020, as follows:

Recipient:	Attorney for:	Served by:
Mr. Frank Weathered FRANK WEATHERED P.C. P.O. Box 6935 Corpus Christi, Texas 78466 frank@weatheredlaw.com Mr. W. Brad Anderson JACKSON WALKER, L.L.P. 100 Congress Avenue, Suite 1100 Austin, Texas 78701 banderson@jw.com Mr. Randolph K. Whittington LAW OFFICE OF RANDOLPH KIMBLE WHITTINGTON 2014 East Harrison Avenue Harlingen, Texas 78550 chagofuentes@rkwlaw.com	Condemnor/appellant Hidalgo County Water Improvement District No. 3	Electronically if available, or by email

/s/ J. Joseph Vale
J. Joseph Vale

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tammie Rodriguez on behalf of Joseph Vale
Bar No. 24084003
tjr@atlashall.com
Envelope ID: 47404288
Status as of 10/21/2020 4:35 PM CST

Associated Case Party: Hidalgo County Irrigation District No. 1

Name	BarNumber	Email	TimestampSubmitted	Status
Joel Vale	24084003	jvale@atlashall.com	10/21/2020 4:20:12 PM	SENT
Allison Boyle	24087197	aboyle@atlashall.com	10/21/2020 4:20:12 PM	SENT
Meredith Helle	24106188	mlarson@atlashall.com	10/21/2020 4:20:12 PM	SENT
Meredith D.Helle		mhelle@atlashall.com	10/21/2020 4:20:12 PM	SENT
Tammie Rodriguez		tjr@atlashall.com	10/21/2020 4:20:12 PM	SENT
Nikki Pugmire		nmowbray@atlashall.com	10/21/2020 4:20:12 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Frank Edward Weathered	20998600	frank@weatheredlaw.com	10/21/2020 4:20:12 PM	SENT
Randolph K. Whittington	21404500	chagofuentes@rkwlaw.com	10/21/2020 4:20:12 PM	SENT
Warren Anderson	24055106	banderson@jw.com	10/21/2020 4:20:12 PM	SENT
Daniel G. Gurwitz	787608	dgurwitz@atlashall.com	10/21/2020 4:20:12 PM	SENT
Mel Galvan		Mel@dcklawyers.com	10/21/2020 4:20:12 PM	SENT